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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/820,241

Applicant(s)

MIAO, TONY

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 and 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I-Figures 1-7 in the reply filed on 1/26/06 is acknowledged. No grounds for the traversal have been presented.

Accordingly, the requirement is still deemed proper and is therefore made FINAL.

It is further noted, that while Applicant has indicated claims 1-20 and 31-35 as corresponding to the invention of Group I, this is incorrect in the Examiner's opinion. In fact, claims 1-10 and 21-29 correspond to Group I, while claims 11-20 and 30-35 do not. Claims 11-20 recite a "stopping plate" (862) and claims 30-35 recite a "protruding member" extending from the casing aperture (826) and "locking pins" (838) which are only found in the invention of Group II-Figures 8-14. Accordingly, claims 11-20, 30-35 are also withdrawn from consideration.

### ***Specification***

2. The disclosure is objected to because of the following informalities: on page 3, line 5, change "one embodiment" to --a second embodiment--; lines 7,9,11,13,16,18, change "one" to --the second--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claims 3,4,5,8-10,21-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3 and 4, line 2, the recitation of “a second C-shaped clamp” is confusing since no “first clamp” has been recited. In claim 21, line 8 and claim 29, line 12, the recitation that “the cam surface is non-circular” is misleading since the cam surface 190 is indeed circular. It seems Applicant is attempting to claim the eccentric nature of the cam, but is using incorrect terminology.

It is noted that claims 5,8-10 and 22-28 are included herein merely because of their dependency.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,6 are rejected under 35 U.S.C. 102(b) as being anticipated by either Roop et al 5,044,181 or Martin 5,657,652. Roop et al and Martin both teach lock assemblies with linearly movable bolts (60; 22 respectively) where the lock provides a casing (78; 16) mounted to a first object and having an aperture to receive the control knob member (93/90; 20), hooking engagement bolts (60; 22), a follower member

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having an aperture with a follower surface therein (58/68; 43) and a control plate (82; 30) firmly connected to the neck of the control knob (90/99; 40/41) and having an inwardly extending eccentric cam pin (83; 32) thereon to engage the follower surface, wherein the control knob neck portion (90; 40) is received through the follower aperture to engage the control plate, wherein rotation of the control knob rotates the eccentric cam pin within the follower aperture to move the bolt linearly into locked and unlocked engagement with the second object. Both Roop et al and Martin further teach a spring bias for the bolt (74; 23).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over r in view of Yeh 4,813,250. Yeh teaches a ball bearing 26 on a control knob member which engages a recess 23 in the casing as a well known positioning means. It would have been obvious to modify the control knob of either Roop et al '181 or Martin '652 by providing a positioning means in the form of a ball bearing as taught by Yeh to be well known in the mechanical arts, and further, an obvious duplication of parts to provide two opposed ball bearings in order to enhance the positioning means and prevent slippage.

***Allowable Subject Matter***

8. Claims 21-29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
9. Claims 3-5,8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the cited locks of Fisler '385, Golden '362, Wartian '344, Sclage '319.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett  
Primary Examiner  
Art Unit 3676

sdb